

ENTERED

September 10, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

FRANCISCO RODRIGUEZ,

Plaintiff,

v.

CAMERON BROWN, *et al.*,

Defendant.

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CIVIL ACTION NO. 2:19-CV-175

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Before the Court is Magistrate Judge Jason B. Libby's Memorandum and Recommendation (M&R), entered on August 20, 2019. (D.E. 10). The M&R recommends that the Court **RETAIN** the claims against Officer Cameron Brown, Officer Johnny Joe Cantu, and Sergeant Eloisa Aguirre in their individual capacities, and **DISMISS** the claims against the same defendants in their official capacities.

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No timely objection has been filed. When no timely objection has been filed, the district court need only determine whether the magistrate judge's memorandum and recommendation is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Powell v. Litton Loan Servicing, LP*, No. CIV. A. H-14-2700, 2015 WL 3823141, at *1 (S.D. Tex. June 18, 2015).

Having carefully reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finding that the

M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety. (D.E. 10).

SIGNED and ORDERED this 10th day of September 2019.

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by several loops and a long horizontal stroke at the end.

DAVID S. MORALES
UNITED STATES DISTRICT JUDGE